

October 11, 2002

Michigan's Absentee Voting Process
-- Reminders for City and Township Clerks --

Eligibility

- A registered voter is eligible to obtain an absent voter ballot for an upcoming election if he or she: 1.) is 60 years of age or more 2.) is unable to vote without assistance 3.) expects to be absent from his or her city or township of residence for the entire time the polls are open 4.) is in jail awaiting arraignment or trial 5.) has been appointed to work as an election inspector in a precinct outside of his or her precinct of residence or 6.) is unable to attend the polls due to his or her religious beliefs.
- A person who registers to vote by mail must vote *in person* in the first election in which he or she participates. The restriction does not apply to overseas voters, voters who are handicapped or voters who are 60 years of age or older. Voting in person on one governmental level clears the restriction on the other levels. For example, if a voter subject to the restriction votes in person at a school election, the voter would be free to obtain an absentee ballot for the first state election in which he or she wishes to participate.

Application Process

- A voter who wishes to receive an absentee ballot must request it *in writing* from the clerk; absentee ballots may not be delivered as a result of an oral request made in person or over the phone. However, an absent voter ballot *application form* may be provided as a result of an oral request.
- The written request may be on a form supplied by the clerk or other election official, in a letter or on a postcard. The written request must include a statutory reason why the voter is eligible to receive an absentee ballot and the applicant's signature.
- There are no restrictions on the distribution of blank absent voter ballot application forms. An organization is permitted to design and produce its own absent voter ballot application form if it wishes; such forms must include all of the statutorily required elements.
- A city or township clerk may mass mail blank absent voter ballot applications to eligible absentee voters in advance of elections *at his or her discretion*; such mailings are *not* required by law. Mail lists used by clerks to distribute blank absent voter ballots application forms must be equitably compiled.
- Absent voter ballot requests may be submitted anytime after the 75th day preceding the election. (Absent voter ballot requests submitted prior to the 75th day preceding the election may be retained on file for later processing.) A voter who applies for an absent voter ballot for a primary may, at the same time, request an absent voter ballot for the following general

election if he or she is eligible to receive an absent voter ballot for both elections. If the ballot must be issued by mail, the application for the ballot must reach the clerk no later than 2:00 p.m. on the Saturday prior to the election. Absent voter ballots can be picked up by the voter *in person* anytime up to 4:00 p.m. on the day prior to the election. A voter who visits his or her clerk's office on the day prior to the election to obtain an absent voter ballot must vote the ballot in the clerk's office; the voter is not permitted to leave the clerk's office with the ballot. (The law also provides for the issuance of "emergency" absent voter ballots on the day of the election. The emergency absentee voting process is explained below.)

Submission of Signed Absent Voter Ballot Requests

- The persons who may be in lawful possession of a *signed* absent voter ballot request are limited to 1.) the applicant 2.) a member of the applicant's immediate family 3.) a person residing in the applicant's household 4.) a person whose job normally includes the handling of mail (but only during the course of his or her employment) 5.) a registered elector asked to handle the application by the applicant and 6.) an authorized election official. A registered elector who returns an absentee ballot application at the request of the applicant must sign a certificate printed on the application form for such persons.
- The clerk or other authorized personnel appointed by the clerk must be available in the clerk's office on the Saturday preceding the election until 2:00 p.m. -- the deadline for requesting an absentee ballot which must be mailed.

Issuance of Absentee Ballots

- A request for an absentee ballot should be processed immediately. It is recommended that the ballot be issued within 24 hours of the receipt of the application. Applications should be processed in the order they are received. This will avoid criticism that certain voters are being given preferential treatment. (While absentee ballots must be issued in the same order in which they are requested, an election official is not prohibited from issuing an absentee ballot to a voter applying in person despite the fact that there may be applications on file which have not yet been honored.)
- The signature on the ballot application is checked against the signature on the applicant's voter registration record prior to issuing an absentee ballot to the applicant.
- An absentee voter can receive an absent voter ballot at his or her registration address, at any address outside of his or her jurisdiction of residence or at a hospital, nursing home or similar institution. If hand delivered, the absent voter ballot must be delivered by the clerk or an authorized assistant appointed by the clerk.
- Campaign brochures or any other type of unauthorized materials may *not* be distributed with absentee ballots.

Return of Absentee Ballots

- Absentee ballots must be returned to the clerk by 8:00 p.m. on election day. The clerk must make arrangements with the post office to pick up any absent voter ballots received after the

last delivery is made.

- The persons who may return an absentee ballot are limited to 1.) the voter 2.) a member of the voter's immediate family who has been asked to return the ballot 3.) a person residing in the voter's household who has been asked to return the ballot 4.) a person whose job normally includes the handling of mail (but only during the course of his or her employment) and 5.) an authorized election official. With these restrictions, an absentee voter is *not* permitted to ask another voter who is not a member of the voter's immediate family or household to return his or her absentee ballot.
- An election official is *required* to pick up a voter's absentee ballot if *all* of the following conditions are satisfied: 1.) the election official issued the ballot to the voter 2.) the voter is unable to return the ballot under any of the authorized delivery methods 3.) the voter calls to request the pick up of his or her ballot before 5:00 p.m. on the Friday immediately preceding the election and 4.) it is not necessary for the election official to travel outside of the jurisdiction to obtain the ballot. Under any other circumstances, an election official (or authorized assistant) may pick up a voter's absentee ballot *at the election official's discretion* if 1.) the election official issued the ballot to the voter and 2.) the voter is unable to return the ballot under any of the authorized delivery methods. Election assistants authorized to pick up absentee ballots must carry appropriate credentials and show them when asked.
- A voter returning an absent voter ballot must sign the return envelope supplied by the clerk. An absent voter ballot is not counted unless the voter's signature appears on the envelope and matches the signature appearing on the voter's registration record. If the voter received assistance voting the ballot, the individual who provided the assistance is also required to sign the return envelope.

Emergency Absentee Ballot Requests

- An elector may make an "emergency" request for an absentee ballot if he or she cannot attend the polls because of 1.) personal disablement or 2.) a family death or illness which will require that the elector leave the community for the entire time the polls are open on election day. "Emergency" requests for absentee ballots must be made after the deadline for making "regular" requests for absentee ballots (2:00 p.m. on the Saturday before the election) and before 4:00 p.m. on election day. The emergency must have occurred at a time which made it impossible for the voter to apply for an absentee ballot by the statutory deadline for "regular" applications. If an "emergency" absentee ballot is requested, the person making the application may authorize the person delivering the application to pick up and deliver the ballot. The authorization to pick up and deliver the ballot must be in writing and must be signed by the applicant. An "emergency" absentee ballot may also be delivered by hand to the applicant by a person authorized to handle this task.

Penalties

- Michigan election law specifies that 1.) a person who forges a signature on an absentee ballot application is guilty of a felony 2.) an individual "who is not authorized in this act and who both distributes absentee ballot applications to absent voters and returns those absentee ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor" and 3.) a

person, other than an authorized election official, who gives, lends or promises any valuable consideration to or for a person to induce that person to both distribute absentee ballot applications and receive signed absent voter ballot applications from voters for delivery to the clerk is guilty of a misdemeanor.

- Michigan election law further specifies that 1.) a person in illegal possession of an absentee ballot (voted or unvoted) is guilty of a felony 2.) an unauthorized person who returns, solicits to return or agrees to return an absentee ballot is guilty of a felony 3.) a person who assists an absentee voter who falsifies the statement which must be signed by such assistants is guilty of a felony and 4.) a person who plans or organizes a meeting at which absentee ballots are to be voted is guilty of a felony.